

1. **Petitioner (name):** requests
 - a. ☐ determination of property passing to the surviving spouse without administration (Prob. Code, § 13500).
 - b. ☐ confirmation of property belonging to the surviving spouse (Prob. Code, §§ 100, 101).
 - c. ☐ immediate appointment of a probate referee.
2. Petitioner is
 - a. ☐ surviving spouse of the decedent.
 - b. ☐ personal representative of (name): , surviving spouse.
 - c. ☐ guardian of the estate or conservator of the estate of (name): , surviving spouse.
3. Decedent died on (date):
4. Decedent was
 - a. ☐ a resident of the California county named above.
 - b. ☐ a nonresident of California and left an estate in the county named above.
 - c. ☐ intestate ☐ testate and a copy of the will and any codicil is affixed as Attachment 4c or 7. (Attach will.)
5. a. (Complete in all cases) The decedent is survived by
 - (1) ☐ child as follows: ☐ natural or adopted ☐ natural, adopted by a third party ☐ no child
 - (2) ☐ issue of a predeceased child ☐ no issue of a predeceased child.
- b. Decedent ☐ is ☐ is not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. (See Prob. Code, § 6454.)
6. (Complete only if no issue survived the decedent. Check **only** the **first** box that applies.)
 - a. ☐ The decedent is survived by a parent or parents who are listed in item 9.
 - b. ☐ The decedent is survived by a brother, sister, or issue of a deceased brother or sister, all of whom are listed in item 9.
7. Administration of all or part of the estate is not necessary for the reason that all or a part of the estate is property passing to the surviving spouse. The facts upon which petitioner bases the allegation that the property described in Attachments 7a and 7b is property that should pass or be confirmed to the surviving spouse are stated in Attachment 7 o.
 - a. ☐ Attachment 7a 5 contains the legal description (if real property add Assessor's Parcel Number) of the deceased spouse's property that petitioner requests to be determined as having passed to the surviving spouse from the deceased spouse. This includes any interest in a trade or business name of any unincorporated business or an interest in any unincorporated business that the deceased spouse was operating or managing at the time of death, subject to any written agreement between the deceased spouse and the surviving spouse providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both.
 - b. ☐ Attachment 7b contains the legal description (if real property add Assessor's Parcel Number) of the community or quasi-community property petitioner requests to be determined as having belonged under Probate Code sections 100 and 101 to the surviving spouse upon the deceased spouse's death, subject to any written agreement between the deceased spouse and the surviving spouse providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both.

(Continued on reverse, including footnotes)

ESTATE OF (Name): _____	CASE NUMBER:
DECEDENT	

8. There ☐ exists ☐ does not exist a written agreement between the deceased spouse and the surviving spouse providing for a non pro rata division of the aggregate value of the community property assets or quasi-community assets, or both. *(If petitioner bases the description of the property of the deceased spouse passing to the surviving spouse or the property to be confirmed to the surviving spouse, or both, on a written agreement, a copy of the agreement must be attached to this petition as Attachment 8.)*

9. The names, relationships, ages, and residence or mailing addresses so far as known to or reasonably ascertainable by petitioner of (1) all persons named in decedent's will and codicils, whether living or deceased, and (2) all persons checked in items 5 and 6 ☐ are listed below ☐ are listed in Attachment 9.

<u>Name and relationship</u>	<u>Age</u>	<u>Residence or mailing address</u>
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10. The names and address of all persons named as executors in the decedent's will or appointed as personal representatives ☐ are listed below ☐ are listed in Attachment 10 ☐ none

11. ☐ The petitioner is the trustee of a trust that is a devisee under decedent's will. The names and addresses of all persons interested in the trust who are entitled to notice under Probate Code section 13655(b)(2) are listed in Attachment 11.

12. A petition for probate or for administration of the decedent's estate

- a. ☐ is being filed with this petition.
- b. ☐ was filed on (date): _____
- c. ☐ has not been filed and is not being filed with this petition.

13. Number of pages attached: _____

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF ATTORNEY)
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)	▶	(SIGNATURE OF PETITIONER)
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¹ See Prob. Code, § 13651(b) for the requirement that a copy of the will be attached in certain instances. If required, include in Attachment 4c or 7.
² See Prob. Code, § 13658 for required filing of a list of known creditors of a business and other information in certain instances. If required, include in Attachment 7a.